

55 12/05/12 11:39:35
DK W BK 695 PG 599
AB DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

INDEXING INSTRUCTIONS: Lots 16 & 19, Revision of Lot 3, Southcrest S/D,
Section 25, Township 1 South, Range 8 West, Plat Book 109, Page 44,
DeSoto County, Mississippi

This Instrument Prepared by
and After Recording, Return to:

George V. Steffens, IV
#102517
Evans Petree PC
1000 Ridgeway Loop Road, Suite 200
Memphis, Tennessee 38120
901-525-6787

RETURN TO: *ew*
BRIDGFORTH & BUNTIN, PLLC
5293 Getwell Road
Southaven, MS 38672
662-393-4450
2012103210

DECLARATION OF DETENTION FACILITY PROPERTY

This Declaration of Detention Facility Property is made as of the 26th day of November, 2012,
by **Boyle Southcrest, LLC**, a Tennessee limited liability company ("Owner").

WHEREAS, Owner's predecessor entered into the certain Southcrest Market Reciprocal
Easement Agreement dated as of November 15, 2006, and filed of record in Book 548, Page 4, in the
Chancery Court Clerk's Office of DeSoto County, Mississippi (the "REA"); and

WHEREAS, Section 2.9 of the REA provides for the construction of a surface or subsurface
stormwater detention facility (the "Detention Facility") on the Property; and

WHEREAS, the Detention Facility currently exists and is being utilized by owners as set forth in
the REA; and

WHEREAS, the Owner desires to designate, identify, and establish the metes and bounds legal
description and location of the Detention Facility as contemplated by and in accordance with the REA.

NOW, THEREFORE, the Owner declares the following:

1. The location of the Detention Facility is partially located on a portion of Lots 16 and 19 as shown on Exhibit "A" and described on Exhibit "B", both attached hereto and incorporated herein by reference.

2. Any future owner of Lot 16 on which part of the Detention Facility is located shall be subject to the REA only as to the Detention Facility use and maintenance as described in the REA and shall be responsible for the regular upkeep of landscaping within the Detention Facility without reimbursement. Lot 16 is not presently subject to the REA and is not being subjected hereby, except with respect to all provisions in the REA pertaining to the Detention Facility, and specifically Section 2.9 of the REA.

3. Except for regular upkeep of landscaping within the Detention Facility, the present and future owner of Lot 16 shall have the right to charge other owners of parcels within Southcrest Market their pro rata share of reasonable maintenance and repair of the Detention Facility, in accordance with the REA.

3. Capitalized terms used in this Declaration and not otherwise expressly defined herein shall have the same meanings as are set forth for such terms in the REA.

4. This Declaration is perpetual and shall run with, benefit, and burden Lots 16 and 19.

5. The provisions contained herein shall be binding upon the owners of Lots 16 and 19, their successors and assigns.

IN WITNESS WHEREOF, the undersigned has caused this Declaration to be executed as of the day and year first above written.

Boyle Southcrest, LLC

By: 

Title: Manager

STATE OF TENNESSEE
COUNTY OF SHELBY

Personally appeared before me, the undersigned authority in and for the said county and state, on this 26th day of November, 2012, within my jurisdiction, the within named Paul T.J. Boyle, who acknowledged that he is Manager of Boyle Southcrest, LLC, a Mississippi limited liability company, and that for and on behalf of the said limited liability company, and as its act and deed he executed the above and foregoing instrument, after first having been duly authorized by said limited liability company so to do.

My commission expires:

10/25/15



Karyn R. Haines
Notary Public

EXHIBIT "A"

Legal Description of Detention Facility Parcel

LEGAL DESCRIPTION (DETENTION POND ON LOTS 16 AND 19)

BEGINNING at a point at the northernmost corner of a concrete headwall, located S 78° 28' 01" E, 96.35 feet from the northwest corner of Lot 16 of Southcrest Subdivision recorded in Plat Book 109 Page 44, Desoto County Chancery Court;

Thence with the top bank of a detention pond the following calls,

N 18° 04' 58" W, 10.23 feet to a point;

Thence, N 37° 04' 34" E, 19.67 feet to a point;

Thence, N 64° 09' 56" E, 19.21 feet to a point;

Thence, N 79° 56' 30" E, 21.15 feet to a point;

Thence, N 83° 05' 37" E, 21.76 feet to a point;

Thence, N 87° 01' 20" E, 20.62 feet to a point;

Thence, S 78° 13' 53" E, 18.91 feet to a point;

Thence, S 54° 04' 51" E, 19.21 feet to a point;

Thence, S 37° 36' 50" E, 20.81 feet to a point;

Thence, S 28° 50' 09" E, 20.96 feet to a point;

Thence, S 19° 35' 27" E, 20.17 feet to a point;

Thence, S 06° 27' 53" E, 19.51 feet to a point;

Thence, S 07° 55' 58" W, 19.74 feet to a point;

Thence, S 15° 26' 49" W, 20.35 feet to a point;

Thence, S 05° 31' 14" E, 4.47 feet to the southeast corner of a headwall;

Thence along the headwall, S 72° 30' 56" W, 4.56 feet to the southwest corner of the headwall;

Thence continuing with the top of bank of the detention pond the

N 72° 13' 08" W, 6.37 feet to a point;

Thence along a curve to the left having a radius of 63.91 feet and an arc length of 71.44 feet (chord = S 36° 44' 49" W, 67.78 feet) to a point;

Thence, S 01° 57' 54" W, 38.29 feet to a point;

Thence, S 75° 38' 43" W, 12.96 feet to a point;

Thence, S 88° 18' 17" W, 4.48 feet to the southeast corner of a concrete headwall;

Thence, S 73° 28' 35" W, 4.63 feet to the southwest corner of a concrete headwall;

Thence, S 82° 53' 54" W, 6.50 feet to a point;

Thence, N 41° 37' 13" W, 21.76 feet to a point;

Thence, N 27° 32' 04" W, 11.88 feet to a point;

Thence, N 25° 25' 01" W, 10.27 feet to a point;

Thence, N 22° 32' 02" W, 9.91 feet to a point;

Thence, N 18° 57' 07" W, 9.82 feet to a point;

Thence, N 40° 22' 06" W, 15.15 feet to a point;

Thence, N 36° 30' 55" W, 15.54 feet to a point;

Thence, N 34° 39' 49" W, 15.75 feet to a point;

Thence, N 31° 21' 26" W, 12.22 feet to a point;

Thence, N 31° 05' 37" W, 12.32 feet to a point;

Thence, N 30° 34' 44" W, 12.52 feet to a point;

Thence, N 29° 40' 32" W, 12.80 feet to a point;

Thence, N 24° 26' 14" W, 12.71 feet to a point;

Thence, N 09° 49' 58" W, 12.33 feet to a point;

Thence, N 13° 16' 57" E, 12.70 feet to a point;

Thence, N 41° 25' 50" E, 12.25 feet to a point;

Thence, N 68° 12' 18" E, 12.57 feet to the southernmost corner of a concrete headwall;

Thence along the headwall, N 32° 53' 27" E, 4.69 feet to the POINT OF BEGINNING and containing 26,025.79 SQ. FT., 0.60 acres.

EXHIBIT "B"

Depiction of Detention Facility

